



Enforcement Schedule Update

Beede Waste Oil Superfund Site - April 2002

EPA is distributing this enforcement schedule update to potentially responsible parties (PRPs) to provide information on upcoming settlement opportunities and other ongoing Beede activities.

Second De Minimis Settlement In February 2002, EPA announced its intention to offer a second *de minimis* settlement opportunity to a second group of *de minimis* Beede PRPs this spring. The second group will consist of parties that sent up to 5,000 gallons of waste oil to the site. EPA now expects such a settlement to be offered on or around June 1, 2002. Although specific details are still under consideration, the settlement likely will be structured like the first Beede *de minimis* settlement. That first settlement, completed in November 2001 with 496 Beede PRPs, included payment of a non-negotiable cash-out sum in exchange for a broad Superfund liability release from EPA. In addition to an EPA release, the second settlement may also include a release from the State of New Hampshire for its past costs incurred at Beede. Through the settlement, EPA intends to provide *de minimis* PRPs with an opportunity to resolve liability without incurring the transaction costs associated with forming PRP groups and conducting complicated settlement discussions. Note that all monies collected from the second *de minimis* settlement will go into the Beede Special Account to be used for the Site, either for cleanup or past costs, as decided in future negotiations.

PRP Waste Quantity Reviews EPA has completed numerous waste quantity reviews for those PRPs who questioned their volumetric calculation and submitted a request to EPA in 2001. Where appropriate, based on the facts and evidence, EPA adjusted volumetric information impacting PRP status. EPA plans to communicate the results of the waste quantity reviews to those PRPs who requested them before EPA issues the second *de minimis* settlement offer. A revised volumetric ranking report also will be placed on the Beede Web Site. Note that EPA is deferring consideration of waste quantity review claims submitted after December 2001, along with consideration of claims for review requiring legal determinations, until later in the settlement process.

Proposed Cleanup Plan EPA is nearing completion of the proposed remedial action plan, which will document the details, rationale and costs of a preferred cleanup alternative for the Beede Site. Issuance of the plan will trigger a public review and comment period. EPA hopes to issue the proposed plan in or around early June.

Meetings with EPA A number of PRPs and PRP groups have expressed interest in meeting directly with EPA. At this point, such meetings are premature since EPA must treat parties fairly and cannot meet with one PRP or PRP group without also providing other PRPs with access to EPA. When it is appropriate to begin meeting with PRPs, EPA will provide equal direct access to all PRP groups, including those that may be represented by a superfund company, such as TRC Companies, Inc. Note that, at this time, EPA has not yet begun substantive negotiations with any parties or PRP groups. At present, EPA's efforts are focused on issuing the second *de minimis* settlement offers and the proposed plan. Once EPA has described the proposed cleanup activities and their expected costs through the release of the proposed plan and has considered comments to that plan, meaningful settlement discussions with PRP representatives can occur. Parties interested in negotiating with EPA directly will need to form into PRP groups to facilitate participation in these future settlement discussions. EPA expects to begin considering PRP requests for meeting(s) with EPA in the summer of 2002.

Additional Information EPA plans to issue a Beede Newsletter to all PRPs and other interested parties very soon. For more information, please call the toll-free Beede Hotline at 1-888-294-6980 or visit our web site at www.epa.gov/region01/supecfund/sites/beede.